



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/982,225

10/18/2001

Robert S. Felton

YOR9-2001-0696-US1

7410

29154

7590

11/26/2007

FREDERICK W. GIBB, III

Gibb & Rahman, LLC

2568-A RIVA ROAD

SUITE 304

ANNAPOLIS, MD 21401

EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

11/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/982,225

Applicant(s)

FELTON ET AL.

Examiner

Jennifer Liversedge

Art Unit

3692

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 3-14 and 16-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.



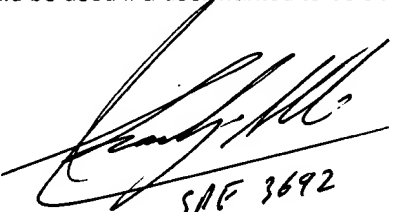
3692

Continuation of 11. does NOT place the application in condition for allowance because: the examiner finds the rejection as submitted in the final office action stands.

Applicant has argued that Walker does not mention making automated payments, and further that Walker is not prior art and that the provisional application does not mention making automated payments. However, Examiner refers to pages 6 (of 9) and 8 (of 9) of the provisional application where Walker discloses a payment system being controlled and monitored by the MTL System. Further, if Walker did not disclose automating the payment system, it would be obvious to automate the payment process and case law supports the automating of a manual process with *In re Venner*, 262 F.2d 91, 95, 1209 USPQ 193, 194 (CCPA 1958). However, the provisional application of Walker discloses where the MTL System controls the process including payment.

Applicant has argued that Walker fails to disclose inputting a value on an import declaration and a second value on a payment invoice and alerting the user if the values are not equal and making an automated payment if the values are equal. Making of a payment has been addressed in the previous paragraph. Regarding the entering and comparing of values, Walker discloses an invoice (paragraph 50), a declaration (paragraphs 87 and 96), and conducting a review to ensure all documents and transaction elements are meeting all government and regulatory compliance regulations (paragraphs 87 and 101) where a flag is provided to users if any government or regulatory compliance regulations are not met (paragraphs 88, 97 and 111). It is known, by means of various pieces of literature including the background of the specification of the present application, that it is a regulatory requirement that values on an invoice and declaration match. Therefore, as Walker discloses receipt of an invoice and a declaration and verifying that all documents meet all government and regulatory compliance regulations before allowing processing, it is obvious that the comparison include the values on the invoice and declaration. Further, the background of the specification of the present application further discloses that businesses are required to gather this data for review during an audit to verify that invoices and declarations are in compliance. The process is thereby a known process.

Applicant argues the taking of Official Notice with regards to statistical sampling of invoice data. However, examiner holds that the taking of Official Notice is proper, as the use of statistical techniques is old and well known in the gathering, sorting, managing, and analyzing of data. Data collection and analysis is conducted in an arbitrary manner, where particular statistics are useful or necessary for the user of the statistics. Gathering data on a daily basis and generating a weekly sample could be one of an infinite array of data collection and analysis techniques. Further, taking a sample size which equals the entire population is old and well known. Generating a smaller sample size is frequently implemented due to the arduous nature of reviewing the entire population of data, where it has been shown that a sample estimates the population. However, it is well known that the entire population could be used if a user wanted to be absolutely certain in their testing/analysis without eliminating any samples.


SAF 3692